

Application No. 09/652,502
Amendment "B" dated June 1, 2004
Reply to Office Action mailed April 21, 2004

REMARKS

The latest Final Office Action, dated April 21, 2004, considered claims 1-28. Claim 1 was objected to for informalities. Claims 1-8, 10-14, 16-22 and 24-26 were rejected under 35 U.S.C. § 102(c) as being anticipated by Jeyachandran (U.S. Patent No. 6,141,662). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeyachandran in view of Aravamudan (U.S. Patent No. 6,301,609), in view of Auerbach (U.S. Patent No. 6,549,937), further in view of Munday (U.S. Patent No. 6,480,593)¹.

By this paper, each of the independent claims 1, 10, 19 and 27 have been amended to explicitly recite in the claim amendments, a limitation that was already inferred and explicitly recited in the preamble of those claims. These claim amendments have not, however, been made to narrow the claims or to alter their scope or for any other reason of patentability. Instead, these claim amendments have merely been made to draw more attention to the claim elements that are already present. In particular, the claims have been amended to more clearly recite how the claimed methods include acts performed at the server, as should have previously been appreciated. The preamble of claim 1 has also been amended to include the term "to", thereby fixing the objected to wording in the preamble.

Initially, it is pointed out that Independent claim 27 was never rejected in the action. Accordingly, this claim should have been allowed, although it wasn't. Dependent claim 28 should also be allowed inasmuch as it depends on claim 27.

Now, with attention directed to the 103(a) rejections, it should be appreciated that the Auerbach reference qualifies as prior art, if at all, under 35 U.S.C. 102(e). However, inasmuch as the Auerbach reference is commonly assigned to the Microsoft Corporation of Redmond, WA, who is also the assignee of the present application, Auerbach cannot be used in support of a 35 U.S.C. 103(a) obviousness rejection, as per AIPA. Accordingly, inasmuch as all of the 35 U.S.C. 103(a) rejections of record rely at least in part on Auerbach, which does not qualify as prior art against the present application, all of these rejections should now be withdrawn.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

Application No. 09/652,502
Amendment "B" dated June 1, 2004
Reply to Office Action mailed April 21, 2004

Accordingly, the only rejections that now remain of record are based on the Jeyachandran reference. The disclosure cited in this reference teaches how two different computing systems in different locations can utilize known presence information at one computer to establish a presence or conflict with presence information obtained at the other computer. For example, if a user's presence information at a first computer indicates the user is present in Tokyo, it can be ascertained through "common sense reasoning" by the second computer in Osaka that the user is not present at that second location in Osaka. Col. 31, line 62 thru Col. 32, line 31. If, however, conflicting presence is obtained at the two different computers, the computing system is locked down to inhibit illegal use through that user. Col. 38, ll. 55-59.

Applicant respectfully submits, however, these cited teachings are not analogous with the presently claimed invention wherein a user is associated with multiple client computers and wherein the user's presence information for each of those client computers is maintained at a separate server, which is independent of the client systems, and that uses those different pieces of presence information to determine a master status regarding the user's actual presence that is reflected to the other clients and subscribers, even if conflicts exist.

Unlike Jeyachandran, the present claims consolidate and resolve conflicting presence information, rather than merely locking the system down when the presence information is conflicted. See claim 10, for example.

Jeyachandran also fails to disclose or suggest that a master status is maintained at a server, which is distinct from the identified client systems. Instead, the examples cited by the Examiner merely identify two potential client systems, neither of which is recited as a server. In other words, Jeyachandran fails to identify both a plurality of client systems and a server, at least three necessary elements of each of the pending claims. Jeyachandran also fails to teach the act of creating a client view status at a server in response to each of multiple clients sending a first status change to the server, or assigning a view identifier to each client view status. (claim 19).

In fact, Jeyachandran does not even address the specific problem identified by the present application, wherein conflicting presence information needs to be resolved and reflected to the various client devices and other subscribers of a network. See pages 4-6.

Accordingly, for at least these reasons, Applicants respectfully submit that Jeyachandran fails to disclose or suggest many of the claimed elements of the pending claims and cannot, therefore, be found to anticipate or make obvious the pending claims.

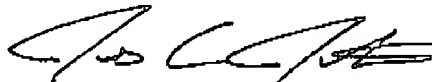
Application No. 09/632,502
Amendment "B" dated June 1, 2004
Reply to Office Action mailed April 21, 2004

It is noted that many of the Examiner's specific rejections regarding the dependent claims are not specifically addressed herein because the dependent claims should be found allowable for at least the same reasons provided above with regard to the independent claims from which they depend. Accordingly, this silence regarding the individual rejections to the dependent claims should not be construed as Applicants acquiescing to the Examiner's assertions. To the contrary, Applicants reserve the right to fully address those rejections at any appropriate time in the future, if and when it becomes desirable or necessary to do so. At this point, however, Applicants simply assert that the dependent claims each incorporate the elements from the independent claims from which they depend, and should, therefore, be found allowable for at least the same reasons.

Accordingly, Applicants respectfully submit that all the pending claims 1-28 are now in condition for immediate allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 1 day of June 2004.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant

Customer No. 022913

RDN:JCJ:cm

WA\13768\138.1\CM0000003762V001.DOC